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Attorneys for Governor C.L. "Butch" Otter

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

DEFENDERS OF WILDLIFE, <u>et al.</u> ,)
) Case Nos.
<i>Plaintiffs,</i>) CV-09-77-M-DWM
) CV 09-82-M-DWM
v.) (consolidated)
)
KEN SALAZAR, <u>et al.</u> ,)
)
<i>Defendants.</i>) CROSS-MOTION
) FOR SUMMARY
GREATER YELLOWSTONE COALITION) JUDGMENT
)
<i>Plaintiff,</i>)
)
v.)
)
KEN SALAZAR, <u>et al.</u> ,)
)
<i>Defendants.</i>)
)

Defendants-Intervenors State of Idaho and Idaho Governor C.L. “Butch” Otter hereby move for summary judgment pursuant to Federal Rule of Civil Procedure 56.

This motion is supported by the accompanying Memorandum in Support of Idaho’s Cross-Motion for Summary Judgment and in Opposition to Plaintiffs’ Motions for Summary Judgment and by Idaho’s Statement of

Genuine Issues and Statement of Undisputed Facts. As further explained therein, the Federal Defendants, in preparing and publishing the Final Rule to Identify the Northern Rocky Mountains Population of Gray Wolves as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife, 74 Fed. Reg. 15123 (April 2, 2009), complied with all procedural requirements, correctly applied substantive law, considered all relevant factors, and articulated a rational basis for their decision. As there are no genuine issues of material fact, this Court should enter summary judgment as a matter of law denying all relief requested by Plaintiffs and entering final judgment in favor of the Federal Defendants and Defendants-Intervenors.

Counsel for Plaintiffs Defenders of Wildlife et al., and Plaintiff Greater Yellowstone Coalition were contacted pursuant to Local Rule 7.1(c) and they indicated that they oppose this motion.

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RESPECTFULLY SUBMITTED this 2d day of December 2009.

/s/ James D. Johnson

James D. Johnson
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